

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MAURICE RHOADES,)	CASE NO.1:O7CV802
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
DONSHIRS DEVELOPMENT CORP.,)	<u>ORDER</u>
ET AL.,)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

On March 19, 2007, Plaintiff filed his Complaint alleging violations of the Fair Housing Amendment Act (“FHAA”), Civil Rights Act violations and state law breach of contract claims against numerous defendants. On June 22, 2007, the Court issued a Memorandum of Opinion and Order dismissing Plaintiff’s Civil Rights Act claims in their entirety, his FHAA claims against the Ohio Civil Rights Commission (“OCRC”) and its employees, Donshirs Development Corp employees, Mahdi Associates LTD, Nayyir Mahdi, Stacy Anban, Julius Cartwright, Mayronk Haynes, G.R. Green and its employees. The Court allowed Plaintiff’s FHAA and breach of contract claims to proceed against Donshirs Development Corp, Ms. Stacy Stoutermire, Blue Chip Property Management, Inc. and Ms. Renee Tracy. On February 15, 2008, Plaintiff filed a summary judgment motion which was subsequently denied. On September 2, 2008, the Court Clerk entered default against Donshirs Development Corp. and Ms. Stacy Stoutermire. On September 3, 2008, Plaintiff filed for summary judgment against Donshirs Development Corp. and Ms. Stacy Stoutermire. The Court denied Plaintiff’s Motion as

untimely. On September 5, 2008, the Court dismissed Plaintiff's claims against Blue Chip Property Management, Inc. and Renee Tracy, without prejudice, and ordered Plaintiff to file a Motion for Default Judgment against the remaining Defendants within fourteen days of the dismissal order or the case would be dismissed. Plaintiff filed an interlocutory appeal on September 15, 2008, but failed to file a Motion for Default Judgment. On October 7, 2008, Plaintiff, apparently under the misapprehension that the Clerk's entry of judgment was a default judgment, filed a motion for Separate Document of Judgment or, Certificate of Judgment Lien Upon Lands and Tenements of Defendant Donshirs Development Corp and Defendant Stacy Stoutermire.

Because of Plaintiff's misapprehension regarding the Clerk's entry of default the Court will not dismiss the remaining parties. Plaintiff is ordered to file a Motion for Default Judgment in accordance with Fed. R. Civ. P. 55(b). Plaintiff's Motion must set forth facts supported by evidence and law demonstrating the damages suffered by Plaintiff and the basis for his entitlement to those damages. Plaintiff shall file his motion within fourteen days of the filing of this Order. Failure to file a Motion for Default Judgment, properly supported, will result in dismissal of the remaining Defendants without prejudice.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

December 17, 2008

